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Saliwanchik Lloyd & Saliwanchik
A Professional Association
P.O. Box 142950
Gainesville, FL 32614-2950

In re Application of
MAUNDRELL, Kinsey
U.S. Application No.: 10/593,432
PCT No.: PCT/EP05/51267 : DECISION
Int. Filing Date: 18 March 2005
Priority Date: 18 March 2004
Attorney Docket No.: ARS-131
For: ANTI-LIPID RAFTS ANTIBODIES

This decision is in response to applicant's "Petition to Vacate a Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures" filed 30 May 2007, which is being treated as a Petition under 37 CFR 1.181.

BACKGROUND

On 18 March 2005, applicant filed international application PCT/EP05/51267 which claimed a priority date of 18 March 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 29 September 2005. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 18 September 2006.

On 18 September 2006, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*: the basic national fee; a copy of the international application; and a preliminary amendment.

On 07 May 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures (Form PCT/DO/EO/922) indicating that the sequence listing was not in compliance with 37 CFR 1.821-1.825 in that a copy of the "sequence listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

On 30 May 2007, applicant filed "Petition to Vacate a Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures."

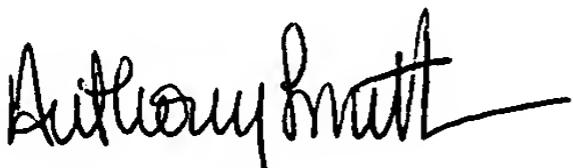
DISCUSSION

The Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures (Form PCT/DO/EO/922) mailed 07 May 2007 indicated that the nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements set forth in 37 CFR 1. 1.821- 825. Applicant states, "the subject application does not contain any sequences . . ." Applicant's assertion is correct that there is no need to file a sequence listing for the present application. As such, the Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures (Form PCT/DO/EO/922) mailed 07 May 2007 is vacated.

CONCLUSION

Applicant's request that the requirement for a sequence listing to be withdrawn is **GRANTED**.

This application is being returned to the United States/Elected Office for processing in accordance with this decision.


Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459